IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 1743 OF 1983

Jitendra Premji Thakkar .. Plaintiff.

vs.

M/s. S. La Build Corpn.

& Anr. .. Defendants.

Ms. A. Castalino with Ms. D. Kamath

for plaintiff.

Mr. M. Jadhav for Defendant No. 1.

i/by Pravin Mehta and Mithi & Co.

Mr. P.S. Shah for Defendant No. 2.

CORAM : S.U.KAMDAR, J.

DATE : 12th July, 2005.

P.C.

. The learned counsel for the plaintiff seeks to withdraw the suit. Suit is dismissed as withdrawn. The amount deposited by the defendant no. 1 pursuant to the order dated 26.3.1984 passed in Summons for Judgment No. 51 of 1984 be refunded to the defendant no. 1 by the Office of the Prothonotary and Senior Master, High Court, Bombay, along with interest accrued thereon, if any.

2. Refund of Court fees as per rules.

3. In view of the withdrawal of the suit, notice of motion no. 1295 of 2005 and chamber summons no. 871 of 2005 do not survive and hence the same stand dismissed.